

EXHIBIT 88

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

Case No. 17-MD-2804

MDL No. 2804

NATIONAL PRESCRIPTION
OPIATE LITIGATION

Hon. Dan A. Polster

APPLIES TO ALL CASES

HIGHLY CONFIDENTIAL

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

Wednesday, December 19, 2018

Video Deposition of STEVEN A. BECKER,
held at the JW Marriott, 2141 Lindau Lane,
Minneapolis, Minnesota, commencing at 9:16 a.m.,
on the above date, before Myrina A. Kleinschmidt,
Registered Merit Reporter, Certified Realtime
Reporter, and Certified Realtime Captioner.

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

<p style="text-align: right;">Page 86</p> <p>1 suspicious, the order should not be shipped by 2 Mallinckrodt, right?</p> <p>3 MR. DAVISON: Objection to form.</p> <p>4 A Our customer service people and product 5 monitoring people handled that.</p> <p>6 BY MR. LOESER:</p> <p>7 Q But do you have an understanding of 8 whether suspicious orders should be shipped?</p> <p>9 MR. DAVISON: Objection to form.</p> <p>10 A Again, the product managers and customer 11 service handle when and if orders would be 12 shipped.</p> <p>13 BY MR. LOESER:</p> <p>14 Q Right, but I'm trying to understand your 15 understanding of this. If an order is identified 16 as suspicious, and it is a suspicious order, is it 17 your understanding that that order should not be 18 shipped?</p> <p>19 MR. DAVISON: Objection to form.</p> <p>20 A It should be reviewed before it's shipped.</p> <p>21 BY MR. LOESER:</p> <p>22 Q And if the review determines that the 23 order is suspicious, then what happens?</p> <p>24 MR. DAVISON: Objection to form.</p> <p>25 A It shouldn't be shipped.</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Is that a term that you used, at all, 2 "downstream customers"?</p> <p>3 A No.</p> <p>4 Q Did you use the term "indirect customers"?</p> <p>5 A Yes.</p> <p>6 Q And what was that?</p> <p>7 A Indirect customer is somebody that 8 purchases your product through a wholesaler or 9 distributor.</p> <p>10 Q Okay. So if your wholesale distributor 11 customer -- your wholesale distributor customer is 12 referred to as your direct customers, right?</p> <p>13 A That's correct.</p> <p>14 Q And the pharmacies and dispensing 15 physicians and pain clinics, the entities that 16 purchased from your wholesale distributor 17 customers, those are referred to as the indirect 18 customers, correct?</p> <p>19 A I believe so.</p> <p>20 Q And you never used the term "downstream 21 customer" for those indirect customers?</p> <p>22 A No.</p> <p>23 Q Are you familiar with the term "customers 24 of your customers"?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 87</p> <p>1 BY MR. LOESER:</p> <p>2 Q Does shipping a suspicious order violate 3 the Controlled Substances Act?</p> <p>4 MR. DAVISON: Objection to form.</p> <p>5 A I'm not certain. I don't know what the 6 act reads.</p> <p>7 BY MR. LOESER:</p> <p>8 Q That was not a -- something on which you 9 were given training when you were at Mallinckrodt?</p> <p>10 MR. DAVISON: Objection to form.</p> <p>11 A I didn't do anything with the ordering.</p> <p>12 BY MR. LOESER:</p> <p>13 Q Was it your understanding that 14 Mallinckrodt was required to report, to the DEA, 15 suspicious orders?</p> <p>16 A Yes.</p> <p>17 MR. DAVISON: Objection to form.</p> <p>18 BY MR. LOESER:</p> <p>19 Q And did Mallinckrodt also have a duty to 20 identify suspicious orders by the downstream 21 customers of your distributor clients?</p> <p>22 MR. DAVISON: Objection to form.</p> <p>23 A You'd have to define "downstream 24 customers."</p> <p>25 BY MR. LOESER:</p>	<p style="text-align: right;">Page 89</p> <p>1 Q So when you're referring to the entities 2 that purchased from your wholesale customers, you 3 refer to them as your indirect customers?</p> <p>4 A Correct.</p> <p>5 Q And is it your understanding that you had 6 a duty to report, to the DEA, suspicious orders by 7 your indirect customers, from your wholesale 8 distributor customers?</p> <p>9 MR. DAVISON: Objection to form.</p> <p>10 A You'd have to ask Karen Harper that, but I 11 believe so.</p> <p>12 MR. DAVISON: Ready for a break?</p> <p>13 MR. LOESER: Yes.</p> <p>14 THE VIDEOGRAPHER: We are going off the 15 record. The time is 10:27 a.m.</p> <p>16 (A recess was taken from 10:27 a.m. to 17 10:45 a.m.)</p> <p>18 THE VIDEOGRAPHER: We are back on the 19 record. The time is 10:46 a.m.</p> <p>20 BY MR. LOESER:</p> <p>21 Q Earlier, I was asking you about national 22 account managers, and that's how you referred to 23 yourself, as a national account manager?</p> <p>24 A Correct.</p> <p>25 Q And there were several other national</p>

<p style="text-align: right;">Page 90</p> <p>1 account managers at the same time --</p> <p>2 A Correct.</p> <p>3 Q -- as you? And did you all get together</p> <p>4 occasionally?</p> <p>5 A It varies. We're going to have sales</p> <p>6 meetings or if we worked a trade show together.</p> <p>7 Q And how often did that occur?</p> <p>8 A It varied from year to year, but usually,</p> <p>9 once a quarter.</p> <p>10 Q And would you also communicate by e-mail,</p> <p>11 frequently?</p> <p>12 A Certainly.</p> <p>13 Q And in your conversations with the other</p> <p>14 national account managers, did you talk about any</p> <p>15 difficulties or issues you were having with</p> <p>16 clients or customers?</p> <p>17 A Could have.</p> <p>18 Q And what are the other kinds of things</p> <p>19 that you would talk about with your national</p> <p>20 account manager colleagues?</p> <p>21 A Just basically business. You know, what</p> <p>22 account's doing what, what your account -- how</p> <p>23 would you handle this, you know, comparison of</p> <p>24 accounts.</p> <p>25 Q And did you have a good relationship with</p>	<p style="text-align: right;">Page 92</p> <p>1 MR. DAVISON: Objection to form.</p> <p>2 A That wasn't my job. You would have to ask</p> <p>3 Karen Harper what the characteristics are.</p> <p>4 BY MR. LOESER:</p> <p>5 Q Did you have any sense at all, that you</p> <p>6 recall, of what the characteristics were of a</p> <p>7 suspicious order?</p> <p>8 MR. DAVISON: Objection to form.</p> <p>9 A On a wholesale level, if the order was</p> <p>10 over their normal averages, that would most likely</p> <p>11 by a department, by a suspicious product</p> <p>12 monitoring people be tagged as a suspicious order.</p> <p>13 BY MR. LOESER:</p> <p>14 Q And that would be considered a red flag?</p> <p>15 MR. DAVISON: Objection to form.</p> <p>16 BY MR. LOESER:</p> <p>17 Q Is that how that term was used?</p> <p>18 MR. DAVISON: Objection to form.</p> <p>19 A I don't know if we used that term, but</p> <p>20 that's -- it would -- if the volumes were such and</p> <p>21 the average -- or the order was over a certain</p> <p>22 parameter, which I did not set, that was set by</p> <p>23 the product monitoring people, it would be tagged</p> <p>24 as a suspicious order.</p> <p>25 BY MR. LOESER:</p>
<p style="text-align: right;">Page 91</p> <p>1 your co-national account managers?</p> <p>2 A I believe so.</p> <p>3 Q And did you have a better relationship</p> <p>4 with some than others?</p> <p>5 A I'm sure I did.</p> <p>6 Q Do you recall, who among the group were</p> <p>7 you closest to?</p> <p>8 A Bonnie New, Dave Irwin, probably.</p> <p>9 Q And do you recall why those two in</p> <p>10 particular?</p> <p>11 A No. Personalities probably just matched</p> <p>12 up proper.</p> <p>13 Q And did you not get along with any of your</p> <p>14 co --</p> <p>15 A No.</p> <p>16 Q -- account managers?</p> <p>17 Okay. Where we left off, I was asking</p> <p>18 about suspicious -- suspicious orders, and are you</p> <p>19 familiar with the characteristics of a suspicious</p> <p>20 order?</p> <p>21 MR. DAVISON: Objection to form.</p> <p>22 A Well, define "characteristics," please.</p> <p>23 BY MR. LOESER:</p> <p>24 Q Well, can you define the characteristics</p> <p>25 of a suspicious order?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q And can you think of other circumstances</p> <p>2 that would get an order tagged as suspicious?</p> <p>3 MR. DAVISON: Objection to form.</p> <p>4 A New product that they hadn't ordered</p> <p>5 before.</p> <p>6 BY MR. LOESER:</p> <p>7 Q Anything else?</p> <p>8 MR. DAVISON: Objection.</p> <p>9 A That's just -- that's all I can think of</p> <p>10 at this point.</p> <p>11 BY MR. LOESER:</p> <p>12 Q And were you involved, at all, in helping</p> <p>13 Mallinckrodt identify suspicious orders?</p> <p>14 A No, I didn't see the orders. The orders</p> <p>15 all came in in computerized orders, so I didn't</p> <p>16 see the orders, so that was left up to our product</p> <p>17 monitoring people.</p> <p>18 Q And you've mentioned Karen Harper a number</p> <p>19 of times. Is she -- does she fall under the</p> <p>20 product monitoring people category?</p> <p>21 A I believe so.</p> <p>22 Q And do you recall what her position was?</p> <p>23 A I'm not certain what her title was.</p> <p>24 Q And did the product monitoring people</p> <p>25 consult with you about orders that they thought</p>

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1 might be suspicious?
 2 A I would get an e-mail if they had a
 3 suspicious order.
 4 Q And then what would you do?
 5 A I'd have to follow up with the account to
 6 find out why an order may be higher than the norm.
 7 Clarify.
 8 Q And prior to 2011, did you -- did you ever
 9 recommend that an order be cancelled because you
 10 believed it was suspicious?
 11 A Not that I recall.
 12 Q And after 2011, do you recall that?
 13 A Not that I recall.
 14 Q Were there any incentives offered to you
 15 to report suspicious orders?
 16 A No.
 17 Q When you were evaluated, was there any
 18 consideration of whether you had identified
 19 suspicious orders?
 20 MR. DAVISON: Objection to form.
 21 A I don't recall.
 22 BY MR. LOESER:
 23 Q Would it have been appropriate for you, as
 24 a national account manager from Mallinckrodt, to
 25 ask a distributor client to ship opioids to a

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1 pharmacy as a favor for a family member of a
 2 customer?
 3 A No.
 4 MR. DAVISON: Objection to form.
 5 A No.
 6 BY MR. LOESER:
 7 Q Why not?
 8 MR. DAVISON: Objection to form.
 9 A Why would I do that? It's -- no.
 10 BY MR. LOESER:
 11 Q No, because it would be illegal?
 12 MR. DAVISON: Objection to form.
 13 A I would never do it. It's not -- anything
 14 to do with our products and family members was
 15 prohibited.
 16 BY MR. LOESER:
 17 Q Prohibited by Mallinckrodt?
 18 A Most likely, yes.
 19 MR. DAVISON: Objection to form.
 20 BY MR. LOESER:
 21 Q And prohibited by the DEA as well?
 22 A I would imagine so.
 23 MR. DAVISON: Objection to form.
 24 BY MR. LOESER:
 25 Q Mr. Becker, do you agree that there's an

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1 opioid crisis in this country?
 2 A I believe you asked me that before, and I
 3 said yes.
 4 Q And in what year did you realize that
 5 there was an opioid crisis in this country?
 6 A I don't recall what year I realized it.
 7 Q Was it after the time you started working
 8 for Mallinckrodt?
 9 MR. DAVISON: Objection to form.
 10 A After I first started working there? Yes.
 11 BY MR. LOESER:
 12 Q Early in your time there?
 13 A I wouldn't say early.
 14 Q And how did you become aware that there
 15 was an opioid crisis in this country?
 16 A Various news articles and things I would
 17 read, periodicals, business periodicals.
 18 Q And did you ever investigate the extent to
 19 which pills manufactured by Mallinckrodt
 20 contributed to the problem?
 21 MR. DAVISON: Objection to form.
 22 A Could you repeat the question?
 23 BY MR. LOESER:
 24 Q Did you ever investigate the extent to
 25 which pills manufactured by Mallinckrodt

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1 contributed to the opioid crisis?
 2 A No.
 3 MR. DAVISON: Objection to form.
 4 BY MR. LOESER:
 5 Q Did you evaluate whether particular types
 6 of pills manufactured by Mallinckrodt were prone
 7 to abuse or diversion?
 8 MR. DAVISON: Objection to form.
 9 A Repeat that, please.
 10 BY MR. LOESER:
 11 Q Did you evaluate whether particular types
 12 of pills manufactured by Mallinckrodt were prone
 13 to abuse or diversion?
 14 MR. DAVISON: Objection to form.
 15 A I did not evaluate, no.
 16 BY MR. LOESER:
 17 Q I think there was a cough while you
 18 were --
 19 MR. LOESER: Did you get the answer?
 20 (Reporter clarification.)
 21 BY MR. LOESER:
 22 Q Are you aware that oxycodone 15 milligram
 23 and 30 milligram were the most widely abused and
 24 diverted Mallinckrodt products?
 25 MR. DAVISON: Objection to form.

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1 A No.
 2 BY MR. LOESER:
 3 Q Are you aware that your distributor
 4 clients purchased millions of these pills from
 5 Mallinckrodt?
 6 MR. DAVISON: Objection to form.
 7 A I'm not certain how many they purchased.
 8 BY MR. LOESER:
 9 Q But you were aware, when you worked there,
 10 of the number of pills that your customers
 11 purchased --
 12 MR. DAVISON: Objection to form.
 13 A I had no idea on the number of pills. I
 14 didn't use a tablet count on purchases.
 15 BY MR. LOESER:
 16 Q What did you use?
 17 A Bottles.
 18 Q How many --
 19 A Cases. I never saw the orders. All the
 20 orders were done electronically.
 21 Q So if the metric you used was bottles, how
 22 many pills are in a bottle?
 23 A It would vary on the type of bottle that
 24 was used.
 25 Q And was there no standard measure when you

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1 referred to a bottle?
 2 A There was hundreds and 500s, then there's
 3 unit of use, unit dose.
 4 Q But when you used -- when you looked at
 5 the number of bottles of pills, there was no
 6 particular number of pills that you knew were in
 7 any bottle?
 8 A I didn't review that.
 9 Q And cases, how many bottles are in a case?
 10 A I couldn't recall.
 11 Q Is it a uniform measure or does it --
 12 A It is. I don't recall what was in our
 13 case packs.
 14 Q You mentioned that you learned of the
 15 opioid crisis through news articles. Are those
 16 articles that you found on your own or articles
 17 that were sent to you by colleagues or both?
 18 MR. DAVISON: Objection to form.
 19 A Both.
 20 (Whereupon, Exhibit Mallinckrodt-Becker-
 21 006 was marked for identification by the
 22 reporter.)
 23 THE REPORTER: Number 6.
 24 BY MR. LOESER:
 25 Q You've been handed what's marked

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1 Exhibit 6, which is a news report from the
 2 Florida -- South Florida Sun-Sentinel, dated
 3 December 3rd, 2006. On December -- by December
 4 3rd, 2006, you were working for Mallinckrodt,
 5 correct?
 6 A Yes.
 7 Q And you were selling controlled substances
 8 for Mallinckrodt?
 9 A Yes.
 10 Q This article headline is "ALARM OVER
 11 PRESCRIPTION DRUG TRADE," "DEATHS SKYROCKET AS
 12 DEALERS AND ADDICTS FLOCK TO SOUTH FLORIDA." I'm
 13 going to read a few sentences in this article and
 14 ask you about your knowledge of these
 15 circumstances.
 16 The first sentence is "Out-of-state drug
 17 dealers and addicts are traveling long distance to
 18 visit Florida pain clinics, targeting the state
 19 because of its lax oversight of prescription
 20 drugs" -- "because of its lax oversight of
 21 prescription drugs makes scoring pills easier."
 22 Do you recall reading about people coming
 23 from out of state to purchase pills in Florida?
 24 MR. DAVISON: Objection to form.
 25 A Yes, I read articles about it.

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1 BY MR. LOESER:
 2 Q And the next sentence of the article, next
 3 paragraph, states, "The unwanted tourism alarms
 4 state officials who have watched deaths from
 5 prescription pain medications skyrocket in recent
 6 years. In 2005, such prescription drugs as
 7 hydrocodone, methadone and oxycodone contributed
 8 to more overdose deaths than all other narcotics
 9 combined, according to Florida medical examiners."
 10 Now, as of 2006, you were selling
 11 hydrocodone, methadone, and oxycodone to your
 12 distributor customers; is that correct?
 13 MR. DAVISON: Objection to form.
 14 A Correct.
 15 BY MR. LOESER:
 16 Q And were you aware that those pills were
 17 being sold en masse to pain clinics and doctors in
 18 Florida?
 19 MR. DAVISON: Objection to form.
 20 A I don't know at the time.
 21 BY MR. LOESER:
 22 Q But you read articles that described --
 23 A I had read articles.
 24 Q Okay. And do you recall when you became
 25 aware of the supply, the problem of hydrocodone,

<p style="text-align: right;">Page 102</p> <p>1 methadone, oxycodone, in Florida and people coming 2 from out of state? 3 A I don't recall the date. 4 Q Did you become aware of skyrocketing 5 overdose deaths in Florida at some point? 6 MR. DAVISON: Objection to form. 7 A Just in periodical readings, newscasts, 8 media. 9 BY MR. LOESER: 10 Q I'm passing to you what's previously been 11 marked as Borelli Exhibit 24. This is an article 12 from the Miami Herald, with the title "Inside 13 Broward County pill mills." The date of the 14 article is April 5th, 2009. You were working at 15 Mallinckrodt, selling controlled substances on 16 that date, correct? 17 A Yes. 18 Q And I'll read the first paragraph of the 19 article. "Broward County has become the 20 painkiller capital of the United States, the 21 notorious home to a cottage industry of storefront 22 pain clinics selling alarming numbers of narcotics 23 and feeding a brazen black market sprawling 24 through the South and New England." 25 And again, that description, that's</p>	<p style="text-align: right;">Page 104</p> <p>1 they bought from you to locations in Florida? 2 MR. DAVISON: Objection to form. 3 A That would have been product monitoring. 4 BY MR. LOESER: 5 Q That's not something that you looked into? 6 MR. DAVISON: Same objection. 7 A Product monitoring was responsible for 8 that. 9 BY MR. LOESER: 10 Q Okay. But that's not something that you 11 looked into? 12 A No. 13 Q If you turn to the next page of this 14 article, there's a paragraph, second from the top, 15 that states, "And the travelers come -- by the 16 thousands, narcotics investigators say, from 17 Kentucky, Ohio, West Virginia, Massachusetts and 18 other states. Prospective pill buyers sometimes 19 camp outside clinics overnight, waiting for the 20 doors to open, said Hollywood police Capt. Allen 21 Siegel, director of a South Broward narcotics task 22 force." 23 Now, is this circumstance of people coming 24 from out of state to get pills at Florida pain 25 clinics something that you had heard about?</p>
<p style="text-align: right;">Page 103</p> <p>1 something that you had become familiar with 2 because of the articles and information you had 3 seen? 4 MR. DAVISON: Objection to form. 5 A Yes. 6 BY MR. LOESER: 7 Q Yes. You were aware that Broward County 8 had become the painkiller capital of the United 9 States? 10 MR. DAVISON: Objection to form. 11 A Not specifically Broward County. I knew 12 that there was issues in Florida. 13 BY MR. LOESER: 14 Q And were you aware that, as of this time, 15 a number of your wholesale distributor customers 16 were selling a significant portion of the pills 17 they purchased from Mallinckrodt to indirect 18 customers in Florida? 19 MR. DAVISON: Objection to form. 20 A I didn't know who they were selling all 21 their products to. 22 BY MR. LOESER: 23 Q Had you examined, at all, whether your 24 wholesale distributor clients were selling 25 significant portions of the controlled substances</p>	<p style="text-align: right;">Page 105</p> <p>1 MR. DAVISON: Objection to form. 2 A Yes. 3 BY MR. LOESER: 4 Q And if you turn to the next page, there's 5 a paragraph, "Experts blame these clinics for a 6 startling rise in prescription-drug overdose 7 deaths in Florida, including a 107 percent jump in 8 oxycodone deaths in two years." 9 And you were aware, from the articles that 10 you read, about spiking overdose deaths in 11 Florida? 12 MR. DAVISON: Objection to form. 13 A Yes. 14 BY MR. LOESER: 15 Q And were you also familiar with the fact 16 that many of those deaths were due to oxycodone 17 overdoses? 18 MR. DAVISON: Objection to form. 19 A Yes. 20 BY MR. LOESER: 21 Q And, of course, you knew that a number of 22 your wholesale distributor clients were purchasing 23 large volumes of oxycodone, manufactured by 24 Mallinckrodt, correct? 25 MR. DAVISON: Objection to form.</p>